

AN ORDINANCE **99019**

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY TOTER, INC. UTILIZING THE STATE OF TEXAS CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO ENVIRONMENTAL SERVICES SOLID WASTE DIVISION WITH 64 AND 96 GALLON REFUSE COLLECTION CARTS FOR A TOTAL AMOUNT OF \$309,952.00.

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WHEREAS, a bid was submitted by Toter, Inc. to provide the Environmental Services Solid Waste Division with 64 and 96 gallon refuse collection carts for a total amount of \$309,952.00; and

WHEREAS, the carts in this contract all include the container body, lid assembly, wheels, hardware, and will be fully covered by a ten-year manufacturer's warranty against breakage, cracking and warping or material failure, except through loss, negligence or abusive use by the City and will be utilized for the Automated Refuse Collection Pilot Program; and

WHEREAS, this purchase meets the requirements under the terms of the State of Texas Cooperative Purchasing Agreement adopted by the City of San Antonio by Resolution No. 91-39-53 on September 12, 1991; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

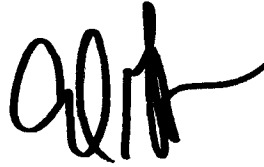
SECTION 1. The bid of Toter, Inc. in the amount of \$309,952.00 to provide the Environmental Services Solid Waste Division with 64 and 96 gallon refuse collection carts is hereby accepted, subject to and contingent upon the deposit of all required bonds, performance deposits and insurance certificates, and is further contingent upon the execution of a lease purchase agreement to provide financing therefore. All other bids will be considered rejected upon the successful bidder's completion of all conditions precedent to award or the expiration of sixty days from the effective date hereof, whichever occurs first. A copy of the bid tabulation sheet and contract are attached hereto and incorporated herein for all purposes as Attachment A.

SECTION 2. The Director of Finance is hereby authorized to procure financing for the proposal submitted by Toter, Inc. to provide the City of San Antonio Environmental Service Solid Waste Division with 64 and 96 gallon refuse collection carts for a total cost of \$309,952.00, which will be paid through and is contingent upon the execution of a lease purchase agreement or through other financial obligations.

SECTION 3. Funds in the amount of \$309,952.00 are authorized to be paid through a lease purchase contract, and are contingent upon the execution of a lease purchase agreement or through other financial obligations.

SECTION 4. This ordinance shall take effect April 11th, 2004.


PASSED AND APPROVED this 1st day of April, 2004.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney